

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

**NOTICE OF MOTION TO
ADJOURN VIOLATION
HEARING TO DECEMBER 20, 2021**

v.

Case No.: 15-cr-149(RJA)

FRANK R. PARLATO, JR., et al
Defendant.

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman, Esq., the undersigned move this Court for an Order adjourning the violation of pretrial release proceedings currently scheduled for December 10, 2021 to December 20, 2021 to coincide and be held at the same time as the status conference previously scheduled by the Court together with such other and further relief as to this Court may seem just and proper.

DATED: Buffalo, New York
December 7, 2021

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.
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Buffalo, New York 14202

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WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
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v.

AFFIDAVIT

Case No.: 15-cr-149(RJA)

FRANK R. PARLATO, JR., et al
Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE)ss
CITY OF BUFFALO)

HERBERT L. GREENMAN, ESQ. being duly sworn, depose and say:

1) I am an attorney for the defendant Frank R. Parlato, Jr. together with co-counsel Paul J. Cambria, Jr, Esq. and Justin Ginter, Esq.

2) The government is represented by Michael DiGiacomo and Charles Kruly.

3) Previously, this Court scheduled a status conference to be held on December 20, 2021. After that date was scheduled by the Court, the parties received a notice of a potential violation of pretrial release. The Court issued a summons for Mr. Parlato to appear on December 10, 2021.

4) We are respectfully requesting that the appearance on the pretrial release violation be adjourned until December 20, 2021. That would allow for both proceedings to take place at the same time and Mr. Parlato would not have to travel to Buffalo on two separate occasions.

5) Therefore, we are respectfully requesting that the Court adjourn the December 10, 2021 proceeding based upon the summons until December 20, 2021.

6) I have spoken with Assistant United States Attorneys Michael DiGiacomo who has advised that he has no objection to this request.

7) I have also spoke with United States Probation Officer Andre McCray who also advises that he does not object to this request as the government is also consenting.

8) We believe that it is in the interest of justice for the Court to conduct both proceedings at the same time and it would be most effective for the Court to adjourn the December 10, 2021 appearance until December 20, 2021.

WHEREFORE, counsel prays that this Court issue an Order accordingly.

/s/Herbert L. Greenman

Herbert L. Greenman, ESQ.

Subscribed and sworn to before me this
7th day of December, 2021

/s/Elizabeth M. Jagord-Ward

Notary Public State of New York,
Qualified in Erie County
My Commission Expires October 31, 2022.